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FILED
Clerk
District Court

APR 03 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Attorneys for the Commonwealth of the
Northern Mariana Islands Defendants

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,)	CIVIL ACTION NO. CV 99-0017
)	
Plaintiff,)	
)	
v.)	QUARTERLY STATUS REPORT
)	FOR THE PERIOD ENDING
COMMONWEALTH OF THE)	APRIL 1, 2006
NORTHERN MARIANA ISLANDS,)	
GOVERNOR OF THE NORTHERN)	
MARIANA ISLANDS,)	
COMMISSIONER OF THE)	
DEPARTMENT OF PUBLIC)	
SAFETY, SECRETARY OF THE)	
DEPARTMENT OF LABOR AND)	
IMMIGRATION, SECRETARY OF)	
THE DEPARTMENT OF)	
COMMUNITY AND CULTURAL)	
AFFAIRS,)	
)	
Defendants.)	
)	

Background

[1] The Consent Decree requires the Defendants to periodically transmit status reports. The Court Order of March 26, 2003 specified that status reports be filed, beginning on July 1, 2003 on a quarterly basis. Quarterly reports for the period ending July 1, 2003, October 1, 2003, January 1, 2004, May 1, 2004, July 1, 2004, October 1, 2004, January 1, 2005, April 1, 2005,

July 1, 2005, October 1, 2005, and January 1, 2006 were timely filed with the Court and US Department of Justice.

History and Progress

[1] The Consent Decree was executed on February 25, 1999. Following a period of nearly four years, the parties reviewed the status of the Consent Decree. Concerns arose about the focus and reporting of compliance efforts. To address these concerns and improve future performance, the Commonwealth proposed a change in reporting from reporting once every six months to once per quarter. Later the Commonwealth implemented a change to the holding status of the Tinian Detention Facility to limit detention downward from the previously authorized period of 48 hours to a maximum of 16 hours. This reduction in detention time reflected concerns about conditions at the Tinian Detention Facility. The maximum 16-hour period remains in effect pending renovation of the facility.

[2] The old juvenile detention facility has been closed and the new Kagman Facility opened for operations in the spring of 2004¹. It has consistently operated in substantial compliance with provisions of the Consent Decree. The population has generally averaged about 7 juveniles per day, substantially below the facility's rated capacity of 40.

[3] In coordination with the US Department of Justice, the old Immigration Detention Facility² was closed and temporarily relocated to the Kagman Facility³. Civil detainees are now housed at the Susupe Facility.

[4] A new adult correctional facility has been constructed at an investment of approximately \$20M. It is now substantially completed.

¹ Notwithstanding substantial compliance of the Kagman Facility for a period in excess of one year, the current plan of the Commonwealth is to seek overall closure of the Consent Decree after the new prison is fully operational.

² The old Immigration Detention Facility was located near the Saipan Airport. The facility had significant design flaws and limitations; monthly rent was \$4,000 and significant staff overtime cost substantial Commonwealth resources. Closure and relocation of this facility was designed to deal with all of these issues.

³ Sight and sound separation between civil detainees and juvenile detainees was consistently maintained. Monitoring was ongoing by Kagman Facility management, Consent Decree Coordinator, and the Office of Juvenile Justice and Delinquency Prevention.

Quarterly Report

[5] Substantial changes have occurred during this reporting period:

- Governor Benigno R. Fitial has assumed responsibilities as Governor of the Commonwealth.
- Ramon C. Mafnas has assumed responsibilities as Secretary, Department of Corrections.
- Daisy Villagomez-Bier has assumed responsibilities as Secretary, Department of Community and Cultural Affairs.
- Debra Inos has assumed responsibilities as Acting Director, Division of Youth Services.
- Sylvio Ada has assumed responsibilities as the Acting Supervisor for the Kagman Facility.

[6] The January, 2006 Quarterly Report described a number of Consent Decree-related initiatives contemplated during the next quarter. The following is a summary of each of these areas and their present status:

- Appointment of DOC Secretary and appropriate administrative staff.
 - Ramon C. Mafnas has assumed responsibilities as Secretary for the Department of Corrections. He has taken steps to increase out-of-cell time for inmates; has established a community-based work program with supervised inmates working to clean beach and other areas; has implemented general orders⁴ to govern the operations of all correctional staff; and has increased inmate access to leisure-time activities.

⁴ The referenced general orders are not available for transmittal at this time. They will be forwarded to the US Department of Justice upon receipt. Housing post orders are also pending receipt and will likewise be sent to the US Department of Justice upon receipt.

- The Commonwealth has experienced substantial fiscal pressures during this quarter. Secretary Mafnas has initiated an effort with the Workforce Investment Agency (WIA) to provide training opportunities and increase personnel⁵. Additional staffing sufficient to accommodate the needs of the new prison facility will be hired after the start of the next fiscal year, October 1, 2006. Prior to that time, final staffing plans, advertising, recruitment and selection will occur.
- Executive Directive regarding the CNMI Consent Decree Coordinator
 - On February 6, 2006, the Commonwealth reappointed Edward Buckingham as the Consent Decree Coordinator.
- Coordination with US Department of Justice
 - Coordination has continued during the quarter and is anticipated to continue in the future.
- Continuation of the Prison Working Group⁶
 - The activities of the Prison Working Group were temporarily suspended during this quarter. Since substantial changes to membership arose, individual meetings were held to brief new agency heads and seek engagement in the Prison Working Group. These have been completed and each requested agency has agreed to engage in the Prison Working Group.
 - The first (reconstituted) weekly prison working group meeting was held on Wednesday, March 22, 2006.

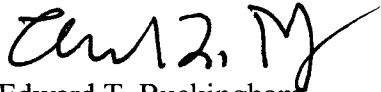
⁵ Training of WIA participants is being coordinated with the Northern Marianas College.

⁶ Members include: Edward Buckingham, Consent Decree Coordinator, the CNMI Attorney General, DOC Secretary Ramon Mafnas, Jun Avila, Office of Management and Budget, Frank Gibson, Office of Personnel Management, Doris Pladevega, Executive Director, Criminal Justice Planning Agency, Department of Public Works Brian Smith and Arthur Camacho, DYS Acting Director Debra Inos, and JDU Supervisor Sylvio Ada.

- Approval of plans related to the following:
 - Complete program planning / fund, recruit, train and assign staff
 - Certain initiatives have begun (as described above). Further program planning is pending. A transition and staffing plan was transmitted with the Quarterly Report for the period ending October 1, 2005. There presently remain 18 positions to be filled the full housing/security complement. Additional areas include: facility food service, medical service, system infrastructure maintenance.
 - VOI-TIS funded renovation of Tinian Detention Facility and Rota Detention Facility
 - Specifications are pending final review so invitations to bid may be issued.
 - Joint training coordination with Northern Marianas College
 - As described above, Secretary Mafnas has initiated coordination with NMC on the WIA-based project. Further coordination is pending.
 - Scheduling opening of the new adult facility
 - The current projected opening is January / February, 2007. This is based on staff being hired at (approximately) October 1, 2006.

[7] Information related to facility operations during this reporting period is attached⁷. The CNMI intends to continue its progress and efforts to maintain and improve compliance with the Consent Decree and, at an appropriate time, seek closure of the case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed T. Buck", with a stylized flourish at the end.

Edward T. Buckingham
Consent Decree Coordinator / Attorney for Defendants

⁷ Michael San Nicholas, the Resident Director of the Tinian Detention facility, is also Chairman of the CNMI Board of Parole. The Board of Parole held hearings during the last week of March, 2006. Rota Department of Public Safety Captain Ricardo Taimanao has been called off-island due to a family medical emergency. Information from both facilities will be promptly transmitted to the US Department of Justice upon receipt.

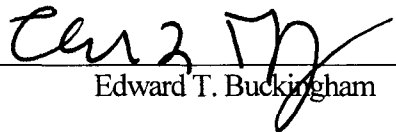
Certificate of Service

The undersigned hereby certifies that Federal Express sent a true and correct copy of this STATUS REPORT including all attached exhibits to the following:

Laura L. Coon, Trial Attorney
Special Litigation Section – PHB
950 Pennsylvania Avenue N.W.
Washington, DC 20530

DATED: APRIL 3, 2006

By:


Edward T. Buckingham